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Public Services (1948) Department.

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[Despatch · Abstract.]

Legislative Council Question - Public Services - Communal Representation - Rules Regarding - Separate Representation for Backward Hindus etc., - Particulars Papers recorded.

MADRAS LEGISLATIVE COUNCIL PROCEEDINGS

DATED 13-8-1948.

REPRESENTATIONS OF COMMUNITIES IN SERVICES.

*32.Q.--SRI R. SURYANARAYANA RAO: Will the Hon. the Premier be pleased to state--

(a) whether any changes have been made in the rules governing representation of communities in services;

(b) if the answer to (a) is in the affirmative, what those changes are;

(c) whether 'Backward Hindu' is to secure separate representation as distinguished from 'Non-Branhman Hindu';

(d) on wnat basis a community is declared 'backward';

(e) on what principle the Anglo-Indians and Indian Christians have been bracketed together; and

(f) whether the new classification is to be introduced into rules governing representation of communities in Local Board Services as well?

THE HON. DR. T.S.S. RAJAN (On behalf of the Hon. the Premier):-- "(a) & (b). The attention of the hon. Member is invited to the Proceedings of the Government No. 3437, Public(Services), dated 21st November 1947, and also to rule 19 of the General Rules of the Provincial and Subordinate Services as it stood prior to the issue of the Government Order (copies[a] placed on the Table of the House).

"(c) The answer is in the affirmative.

"(d) The list of 'Backward'Hindu communities follows the list maintained by the Education Department for purposes of educational concessions under the Madras Educational Rules.

"(e) The principle is that all Christians should be brought under one head irrespective of whether they belong to the Anglo-Indian or the Indian Christian community.

"(f) The answer is in the affirmative."

11-30 a.m. SRI R. SURYANARAYANA RAO:--"With reference to the answer to clause (e), may I know which is the governing principle, is it the religion to which they belong or is it the community to which they belong?"

THE HON. DR. T.S.S. RAJAN:--"Both purposes are served under the rules. As long as Anglo-Indians and other Christians continue to be in one faith, they are sure to have one classification rather than two."

SRI R. SURYANARAYANA RAO:--"It is not a question of convenience, Sir. It is a question of giving adequate representation. That is the main basis on which this communal Government Order has been issued. In that case, why should there be Hindus and backward Hindus among Hindus, Brahmin and non-Brahmin Hindus? They can all be clubbed together as belonging to the same Hindu community."

[a] Printed as Appendix I on pages 16--18 infra.

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THE HON. DR. T.S.S. RAJAN:--"The Hindu community is very much bigger. Therefore adequate representation has got to be given to backward Hindu communities in the services and other governmental appointments. Therefore the backward communities are treated separately from the non-Brahman community. If they are included in the non-Brahman community, they will not have separate representation in order to enable them to get the privileges given to them now and therefore, they are specifically referred as backward communities and given separate representation."

DR. V.K. JOHN:--"May I know whether any Anglo-Indian ht be a non-Christian?"

THE HON. DR. T.S.S. RAJAN:--"Not likely."

SRI R. SURYANARAYANA RAO:--"May I know whether it is the opinion of the Government that it is not on the basis of a community being a minority that it is afforded adequate representation but simply because, a community, though a majority, wanted representation, that the Government have provided for it"

THE HON. DR. T.S.S. RAJAN:--"They do not have sufficient facilities because they are not sufficiently qualified. Therefore, they have got to be provided with adequate representation."

SRI B. BHIMA RAO:--"May I know whether this principle is adopted in the case of Brahmins also?"

THE HON. DR. T.S.S. RAJAN:--"No, Sir."

SRI S.B. ADITYAN:--"In view of the benefits recently conferred on the backward communities, is the door still open to such of those communities who want to get themselves admitted as backward communities for these purposes?"

DR. V.K. JOHN:-- "I mean a Christian convert from Harijan".

THE HON. DR. T.S.S.RAJAN:- "If he is a Christian, he is not a Harijan."

SRI S. BHIMA RAO:--"Have any minority communites wanted the application of this communal Government Order? If so, may I know which of the minority communities wanted the application of this communal Government Order?"

THE HON. DR. T.S.S. RAJAN:--"I want notice of that question."

SRI S.B. ADITYAN:--"Can a re-convert from Christianity get the benefits given to a Harijan, Sir?"

THE HON. DR. T.S.S. RAJAN:--"I have already explained to hon. Members that Harijans are Hindus and that converts are Christians and they are not entitled to the benefits of Harijans."

MR. PRESIDENT:- "The question is whether a convert from Christianity back to Hinduism will get the benefit."

THE HON. DR. T.S.S. RAJAN:--"Then, he becomes a Hindu".

SRI S.B. ADITYAN:-- "Then, will he get the benefits that are being given to a Harijan?"

THE HON. DR. T.S.S. RAJAN:--"Why not?" (Laughter).

DR. V.K. JOHN:--"Are the benefits given by the Government on account of the religion or on account of the economic condition of the individual?"

THE HON. DR. T.S.S. RAJAN:--"Harijans are treated separately as a class and are dealt with separately for this purpose. Other people cannot get the privileges given to the Harijans. Simply because Harijans as a class have been so long kept out of society, they did not enjoy the privileges that were enjoyed by other classes of Hindus through ages. Therefore, the Harijans are now given certain benefits which are not open to other communities, in order that they may be raised socially and economically."

SRI B. BHIMA RAO:--"May I ask the Minister whether it is the majority community that wanted the application of this communal Government Order or any of the minority communities?"

THE HON. DR. T.S.S. RAJAN:--"The majority community do not want any such privileges. It is only the smaller communities that want these privileges."

SRI B. BHIMA RAO:--"May I ask which are the smaller communities that wanted the application of the Communal Government Order?"

THE HON. DR. T.S.S. RAJAN:--"The hon. Member may put a separate question."

DR. V.K. JOHN:--"May I know, Sir, why the Government makes a discrimination between Harijans and Harijans converted into Christianity?"

THE HON. DR. T.S.S. RAJAN:--"It is not question of discrimination. If a Harijan is converted into Christianity, then, he is a Christian and not a Harijan and there is no question of discrimination at all."

SRI R. SURYANARAYANA RAO:--"May I ask whether the on-Brahman Hindu community is a majority or a minority ommunity?"

THE HON. DR. T.S.S. RAJAN:--"They are a majority community, Sir."

APPENDIX I.

(Vide answer to starred question No.32 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 13th August, 1948, page 175 supra.)

Extract of rule 19 of the general rules for the Provincial and Subordinate Services as it stood prior to the issue of G.O.Ms.No. 3437, Public (Services) dated 21st November 1947.

19. Communal representation: (a) (i) Where the pecial rules lay down that the principle of communal otation shall apply to any service, class or category, ppointments thereto shall, so far as qualified and uitable candidates of the communities concerned are vailable, be made in the following order, namely:-

One Non-Brahman (Hindu).
One Muslim.
One Non-Brahman(Hindu)
One Anglo-Indian or Christian or Non-Asiatic.
One Brahman.
One Non-Brahman (Hindu).
One Member of the Scheduled Castes
One Non-Brahman (Hindu).
One Muslim.
One Non-Brahman (Hindu).
One Anglo-Indian or Christian or Non-Asiatic.
One Brahman.

Provided that this clause shall not apply to t... irst appointment to any subordinate service or any class or category thereof of a person recruited by transfer but when such person is appointed a full member of such service, class or category he shall be deemed to be a person appointed in the next turn allotted to the community to which he belongs in the order specified in this clause.

.i) The stage at which the communal rotation specified in clause (i) shall commence when first applied to any such service, class or category shall be determined by the Provincial Government.

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(iii) If a qualified and suitable candidate belonging to any community is not available for appointment to any such service, class or category in the turn allotted to that community under clause (i) and (ii) or under this clause, a qualified and suitable candidate belonging to the community next in the order specified in clause (i) shall, if available, be appointed, but the former community shall have a preferential claim for consideration when any subsequent appointment is to be made to such service, class or category until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(iv) Where a probationer belonging to any community is discharged from any such service, class or category under clause (ii) of sub-rule (a) or clause (i) or (ii) of sub-rule (b) of rule 22 under sub-rule (c) of rule 23 such community shall have a preferential claim for consideration when after the confirmation of the order of discharge on appeal or after the expiry of a period of one year from the date of the discharge, whichever is later, any appointment is to be made to such service, class or category until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(v) If, when an appointment to any such service, class or category is to be made, there are two or more communities having a preferential claim under clause (iii) or clause(iv), that community shall receive first consideration whose preferential claim first arose.

(b) (i) Where the special rules lay down that the principle of communal proportion shall apply to any service, class or category, appointments thereto otherwise than by transfer or promotion, shall be so regulated as to secure, as nearly as may be the distribution of membership in such service, class or category among the following communities in the proportion specified against each:--

Non-Brahman Hindus -- Five out of twelve.
Brahmans - Two out of twelve.
Muslims - Two out of twelve.
Anglo-Indians, Christians and Non-Asiatics--Two out of twelve.
Scheduled Caste - One out of twelve.

(ii) Appointments to any such service, class or category by transfer or promotion shall be made irrespective of communal consideration.

(iii) Every appointment to any such service, class or category otherwise than by transfer or promotion as aforesaid shall be made from that community which at the time of appointment is most disadvantageously situated with reference to the proportion specified in clause (i); if no qualified and suitable candidate of that community is available, a candidate from the community next in the order of disadvantage who is qualified and suitable shall be appointed. If it is found that the disadvantage of two or more communities is equal, a candidate belonging to any of such communities who is best fitted for the post shall be appointed

Copy of the Proceedings of the Government Order No. 5437, Public (Services) dated 21st November 1947.

(Public Services - Communal representation - Modification).

Under the existing rules appointments in the public services to which recruitment is made on a communal basis are allocated among the various communities in the proportion specified below:--

Non-Brahman (Hindus)	5	out of	12
Brahmans	2	"	12
Muslims.	2	"	12
Anglo-Indians and Indian Christians	1	"	12
Harijans	1	"	12

There has of late been considerable agitation from almost all sections of the general public that the above allocation which was decided upon years ago is quite unsuitable, that most of the vacancies assigned to the Non-Brahmans and Indian Christians go to the educationally more advanced members of those communities and that Harijans get very much less than what they are entitled to on the basis of their population in the Province Individual members and Associations belonging to the Harijans community have also pointed out that as the Government of India have reserved 12½ per cent vacancies for the Harijans in respect of posts under their control, the Government of Madras should incorporate the same percentage in the rules relating to posts under the control of the Provincial Government. After a careful consideration of the claims of all communities, the Government have come to the conclusion that the existing allocation should be changed as follows:--

Non-Brahamn (Hindus)	6	out of	14
Backward Hindu communities	2	"	14
Brahmans	2	"	14
Harijans	2	"	14
Anglo-Indians and Indian Christians	1	"	14
Muslims	1	"	14

The result of the revised allocation is that while the Harijans gain appreciably, Anglo-Indians and Indian Christians and Muslims lose likewise but it must be realized that the revised allocation is roughly in conformity with the percentage of population of these communities in the Province.

2. Recruitment to some of the services and posts under the Government is made on a communal rotation basis. Consequent on the change in the reservations ordered in paragraph 1 above, it has become necessary to change the order in which appointments by rotation are to be made. The Government have decided to change the order of rotation as shown below in every cycle of 14 vacancies:

(1) Non-Brahman (Hindu.

(2) Harijan.

(3) Backward Hindu.

(4) Non-Brahman (Hindu)

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(5) Brahman.

(6) Non-Brahman (Hindu).

(7) Muslim.

(8) Non-Brahman (illegible).

(9) Anglo-Indian or Indian Christia

(10) Non-Brahman (Hindu).

(11) Harijan.

(12) Non-Brahman (Hindu).

(13) Brahman.

(14) Backward Hindu.

3. The revision of the rule of communal representation ordered in paragraphs 1 and 2 above will come into force immediately. In the case of communal rotation the order should start afresh. The fresh start should be made with the first appointment to be made after the date of issue of this Government Order and will begin at the first turn, viz., Non-Brahman (Hindu).

4. Necessary amendments to the Service Rules will be issued separately.

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Public (Services) Department.

To A.S.

Please see the Legislative Council printed proceedings against L.C. question No. 59 on pp. 13--18 c.f. No further action seems to be necessary. The papers may be recorded.

Sd. x x x
13-10-48.

G.O.No.2514, dated 15th October 1948.

Legislative Council Question - Public Services - Communal Representation - Rules regarding - Separate representation for Backward Hindus etc., - Particulars Papers recorded.

/True copy/

Office Assistant,
Madras Record Office.

PSR. 21-x-53.

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